

United States District Court
Middle District of Florida
Jacksonville Division

JOHN WIDDOWS,

Plaintiff,

v.

No. 3:20-cv-799-BJD-PDB

DWAINE WILCOX AND TRUCKS, INC.,

Defendants.

Order

The plaintiff moves to strike some of defendant Trucks, Inc.'s defenses.
Doc. 40.

A “court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). A defense is insufficient if it is patently frivolous or clearly invalid as a matter of law. *Microsoft Corp. v. Jesse’s Computs. & Repair, Inc.*, 211 F.R.D. 681, 683 (M.D. Fla. 2002). “Motions to strike are disfavored by the courts and rarely granted, especially so when they delay the litigation with little corresponding benefit.” Steven Baicker-McKee et al., *Federal Civil Rules Handbook*, Rule 12(f), p. 498–99 (2020).*

*The undersigned has denied motions to strike defenses when the movant argues only the defendants lack factual support. *See Ability Housing of Northeast Florida, Inc., v. City of Jacksonville*, No. 3:15-cv-1380-J-32PDB, 2016 WL 816586 (M.D. Fla. Mar. 2, 2016) (unpublished); *Moore v. R. Craig Hemphill & Assocs.*, No. 3:13-cv-900-J-39PDB, 2014 WL 2527162, at *2 (M.D. Fla. May 6, 2014) (unpublished).

In the motion before the Court, the plaintiff cites state procedural law and includes no certificate required by Local Rule 3.01(g). The Court **denies** the motion, Doc. 40, without prejudice to filing a motion that complies with the law.

Ordered in Jacksonville, Florida, on April 12, 2021.



PATRICIA D. BARKSDALE
United States Magistrate Judge